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HOUSE BILL 61

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Joe M Stell

AN ACT

**RELATING TO WATER; AMENDING A SECTION OF THE CONSTRUCTION
INDUSTRIES LICENSING ACT TO PROVIDE FOR MINIMUM STANDARDS FOR
PLUMBING SYSTEMS FOR IMMEDIATE HOT WATER DELIVERY.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. Section 60-13-44 NMSA 1978 (being Laws 1967,
Chapter 199, Section 52, as amended) is amended to read:**

"60-13-44. TRADE BUREAUS--STANDARDS--CONFLICTS.--

**A. The electrical bureau shall recommend to the
commission minimum standards for the installation or use of
electrical wiring. The recommendations shall substantially
embody the applicable provisions of an electrical code for
safety to life and property promulgated by a nationally
recognized association and developed through an open, balanced
consensus process.**

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1 B. The mechanical bureau shall recommend to the
2 commission minimum standards for the installation of all
3 fixtures, consumers' gas pipe, appliances and materials
4 installed in the course of a mechanical installation. The
5 recommendations shall be in substantial conformity with codes
6 and standards that are developed through an open, balanced
7 consensus process. Manufacturers may choose the independent
8 certification organization they wish to certify their products,
9 if the certification organization is accredited by the American
10 national standards institute or other accreditation
11 organization selected by the commission.

12 C. The mechanical bureau shall recommend to the
13 commission minimum standards for requiring the installation of
14 plumbing systems that provide immediate hot water in all new
15 construction. The recommendations shall be in substantial
16 conformity with codes and standards that are developed through
17 an open, balanced consensus process.

18 [~~C.-~~] D. The general construction bureau shall
19 recommend to the commission minimum standards for the
20 construction, alteration or repair of buildings, except for
21 those activities within the jurisdiction of the electrical
22 bureau or the mechanical bureau. The recommendations shall
23 substantially embody the applicable provisions of a nationally
24 recognized building code that is developed through an open,
25 balanced consensus process and shall give due regard to

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1 physical, climatic and other conditions peculiar to New Mexico.
2 The standards shall include the authority to permit or deny
3 occupancy of existing and new buildings or structures and
4 authority to accept or deny the use of materials manufactured
5 within or without the state. The general construction bureau
6 may set minimum fees or charges for conducting tests to verify
7 claims or specifications of manufacturers.

8 ~~[D-]~~ E. The general construction bureau shall
9 recommend to the commission additional specifications for any
10 public building constructed in the state through expenditure of
11 state, county or municipal funds, bonds and other revenues,
12 which specifications shall embody standards making the building
13 accessible to individuals who are physically handicapped, and
14 the specifications shall conform substantially with those
15 contained in a nationally recognized standard for making public
16 facilities accessible to the physically handicapped that is
17 developed through an open, balanced consensus process. All
18 orders and rules recommended by the general construction bureau
19 and adopted by the commission under the provisions of this
20 section shall be printed and distributed to all licensed
21 contractors, architects and engineers and to the governor's
22 committee on concerns of the handicapped. The orders and rules
23 shall take effect on a date fixed by the commission, which
24 shall not be less than thirty days after their adoption by the
25 commission, and shall have the force of law.

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1 ~~[E-]~~ F. The general construction bureau shall have
2 the right of review of all specifications of public buildings
3 and the responsibility to ensure compliance with the adopted
4 standards.

5 ~~[F-]~~ G. All political subdivisions of the state are
6 subject to the provisions of codes adopted and approved under
7 the Construction Industries Licensing Act. Such codes
8 constitute a minimum requirement for the codes of political
9 subdivisions.

10 ~~[G-]~~ H. The trade bureaus within their respective
11 jurisdictions shall recommend to the commission standards that
12 are developed through an open, balanced consensus process for
13 the installation or use of electrical wiring, the installation
14 of all fixtures, consumers' gas pipe, appliances and materials
15 installed in the course of mechanical installation and the
16 construction, alteration or repair of all buildings intended
17 for use by the physically handicapped or persons requiring
18 special facilities to accommodate the aged. The
19 recommendations shall give due regard to physical, climatic and
20 other conditions peculiar to New Mexico.

21 ~~[H-]~~ I. The trade bureaus within their respective
22 jurisdictions shall recommend to the commission standards for
23 the construction, alteration, repair, use or occupancy of
24 manufactured commercial units, modular homes and
25 premanufactured homes. The recommendations shall substantially

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1 embody the applicable provisions or standards for the safety to
2 life, health, welfare and property approved by the nationally
3 recognized standards association and developed through an open,
4 balanced consensus process and shall give due regard to
5 physical, climatic and other conditions peculiar to New Mexico.
6 Wherever existing state codes or standards conflict with the
7 codes and standards adopted by the commission under the
8 provisions of this subsection, the provisions of the New Mexico
9 Uniform Building Code, the New Mexico Electrical Code, the New
10 Mexico Plumbing Code or the Natural Gas Code of New Mexico
11 shall exclusively apply and control, except for codes and
12 standards for mobile housing units.

13 ~~[I-]~~ J. Modular homes and premanufactured homes in
14 existence at the time of the effective date of the Construction
15 Industries Licensing Act shall have their use or occupancy
16 continued if such use or occupancy was legal on the effective
17 date of that act, provided such continued use or occupancy is
18 not dangerous to life. Any change in the use or occupancy or
19 any major alteration or repair of a modular home or
20 premanufactured home shall comply with all codes and standards
21 adopted under the Construction Industries Licensing Act.

22 ~~[J-]~~ K. The commission shall review all
23 recommendations made under the provisions of this section and
24 shall by rule adopt standards and codes that substantially
25 comply with the requirements of this section that apply to the

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recommendations of the trade bureaus. "

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